

2. The Advocate for the Applicant submitted that there is a gross delay in recording F.I.R. He relied upon statement of Medical Practitioner who attended

the victim Sharda in Shushrut Hospital. He submitted that the said Sharda has come out with an altogether new story and case made out by the prosecution cannot be accepted. The learned A.P.P. submitted that there is recovery of the can which was used for pouring kerosene on the person of the victim. She invited my attention to the statement of the husband of the victim in which the Applicants have been implicated. She submitted that the husband has implicated his own parents and brother. She submitted that considering the serious nature of offence, the Applicant cannot be enlarged on bail.

3. The investigation papers show that on 07th March, 2005, the statement of the said Sharda was recorded by Special Executive Officer. In the said statement, Sharda stated that while she was cooking, there was accidental explosion of the stove and she had no grievance against any one. From the case of the prosecution, it appears that her husband was all alongwith her. The statement of the doctor also supports the Applicants. There is a gross delay in filing the F.I.R. For incident of 07th March, 2005, F.I.R. is filed on 27th April, 2005.

4. Considering the fact that on 07th March, 2005 the victim did not make any grievance against the Applicant and considering the fact that chargesheet is

already filed after completion of investigation, a case is made out for enlarging the Applicants on bail.

5. Hence, I pass the following order:

: O R D E R :

i) The Applicants shall be enlarged on bail in connection with **C.R.No.157 of 2005 registered with Chembur Police Station**, subject to furnishing a personal bond of **Rs.10,000/- each** with one or two local sureties each in the like amount.

ii) The Bail is granted subject to condition that the Applicants will report to the concerned Police Station once in the fortnight till the conclusion of the trial.

iii) The Bail is granted subject to condition that the Applicants shall not, directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with the prosecution evidence.

iv) The Applicants shall co-operate with the learned Trial Judge for expeditious disposal of the trial. Any attempt by the Applicants to delay the trial may be a ground for cancellation of bail.

v) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

vi) Application is disposed of in above terms.

vii) The parties to act upon an authenticated copy of this order.

JUDGE